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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,594	12/22/2000	Robert Adams	10559-341001/ P9886	1184

7590 10/05/2004

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EXAMINER

JACOBS, LASHONDA T

ART UNIT PAPER NUMBER

2157

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/745,594	<b>Applicant(s)</b> ADAMS ET AL.	
	<b>Examiner</b> LaShonda T Jacobs	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to Applicants' Request for Reconsideration filed on July 7, 2004. Applicants' newly adds claims 17-20. Claims 1-16 are presented for further examination.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopmann et al (hereinafter, "Hopmann", 6,694,335) in view of Hu.

As per claim 1, Hopmann discloses a communication system for accessing and managing a database, comprising:

- a portable wireless communication appliance (col. 10, lines 25-28);
- a remote device (server) with access to the database (col. 9, lines 62-65 and col. 10, lines 28-36); and

However, Hopmann does not explicitly disclose:

- a cache device configured to communicate wirelessly with the portable wireless communication appliance and to communicate with the remote

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device, the cache device storing a copy of a predetermined portion of the database.

Hu discloses a system and method for the distribution of client requests including:

- a cache device configured to communicate wirelessly with the portable wireless communication appliance and to communicate with the remote device, the cache device storing a copy of a predetermined portion of the database (col. 4, lines 13-24, col. 5, lines 48-65 and col. 11, lines 50-59).

Given the teaching of Hu, it would have been obvious to one of ordinary skill in the art to modify Hopmann by including a cache device between the client and server in order to provide communication between the client and the server in a timely and efficient manner.

As per claim 2, Hopmann discloses wherein the portable wireless communication appliance comprises one of a:

- radiotelephone, a personal digital assistant, or a portable computer (col. 10, lines 25-28).

As per claim 3, Hopmann discloses wherein the remote device comprises:

- a personal computer, a desktop computer, or a server device connected to a network (col. 9, lines 62-65 and col. 10, lines 28-36).

As per claim 4, Hopmann discloses:

- a wireless communication device operative to communicate with the portable wireless communication device (col. 10, lines 25-45).
- a storage device for storing the copy of the portion of the database (abstract, col. 10, lines 16-21, lines 41-45 and col.11, lines 15-30); and

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- data processor operative to execute preprogrammed instructions and managing the copy of the portion of the database in the storage device (col. 9, lines 42-50, col. 10, lines 16-21, lines 41-45 and col.11, lines 15-30).

As per claim 15, Hopmann discloses a method comprising:

- establishing a wireless communication link between a portable wireless communication appliance (col. 10, lines 25-45);
- setting cache-device preferences (col. 11, lines 15-30, lines 34-52 and col. 12, lines 35-45);
- synchronizing a copy of a portion of a database stored in the cache device with the database stored in the remote device (col. 11, lines 15-30, lines 34-52 and col. 12, lines 35-45).

However, Hopmann does not explicitly disclose:

- sending a remote-device discovery inquiry by way of the wireless communication link;
- determining if a remote device is available for communication with the cache device;
- monitoring the availability of the remote device.

Hu discloses a system and method for the distribution of client requests including:

- sending a remote-device discovery inquiry by way of the wireless communication link (col. 4, lines 13-24, col. 5, lines 48-65 and col. 11, lines 50-59);
- determining if a remote device is available for communication with the cache device (col. 5, lines 48-65);

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- monitoring the availability of the remote device (col. 5, lines 48-65).

Given the teaching of Hu, it would have been obvious to one of ordinary skill in the art to modify Hopmann by including a cache device to monitor the availability of the server in order to provide communication between the client and the server in a timely and efficient manner.

As per claims 5, 10 and 16, Hopmann discloses a method and computer program product of accessing and managing a database accessible by a remote device, the method comprising:

- establishing a wireless communication link between a portable wireless communication appliance (col. 10, lines 25-45);

However, Hopmann does not explicitly disclose:

- send a remote-device discovery inquiry;
- determine if a remote device having access to the database is available for communication with the cache device;
- a cache device storing a portion of the database; and
- accessing the copy of the portion of the database stored in the cache device.

Hu discloses a system and method for the distribution of client requests including:

- send a remote-device discovery inquiry (col. 4, lines 13-24, col. 5, lines 48-65 and col. 11, lines 50-59);
- determine if a remote device having access to the database is available for communication with the cache device (col. 5, lines 48-65);
- a cache device storing a portion of the database (col. 4, lines 13-24, col. 5, lines 48-65 and col. 11, lines 50-59); and

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- accessing the copy of the portion of the database stored in the cache device (col. 4, lines 13-24, col. 5, lines 48-65 and col. 11, lines 50-59).

Given the teaching of Hu, it would have been obvious to one of ordinary skill in the art to modify Hopmann by including a cache device to monitor the availability of the server in order to provide communication between the client and the server in a timely and efficient manner.

As per claims 6 and 11, Hopmann discloses the invention substantially as claims discussed above.

However, Hopmann does not explicitly disclose:

- accessing the database when the remote device is available.

Hu discloses a system and method for the distribution of client requests including:

- accessing the database when the remote device is available (col. 5, lines 48-65).

Given the teaching of Hu, it would have been obvious to one of ordinary skill in the art to modify Hopmann by including a cache device to monitor the availability of the server to provide communication between the client and the server allowing the client to access the server database.

As per claims 7 and 12, Hopmann discloses:

- setting cache-device preferences (col. 11, lines 15-30, lines 34-52 and col. 12, lines 35-45).

As per claim 8 and 13, Hopmann discloses the invention substantially as claims discussed above:

However, Hopmann does not explicitly disclose:

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- monitoring the availability of the remote device.

Hu discloses a system and method for the distribution of client requests including:

- monitoring the availability of the remote device (col. 5, lines 48-65).

Given the teaching of Hu, it would have been obvious to one of ordinary skill in the art to modify Hopmann by including a cache device to monitor the availability of the server in order to provide communication between the client and the server in a timely and efficient manner.

As per claims 9 and 14, Hopmann discloses:

- synchronizing the copy of the portion of the database with the database according to the cache-device preferences (col. 11, lines 15-30, lines 34-52 and col. 12, lines 35-45).

As per claim 17, Hopmann discloses the invention substantially as claims discussed above.

However, Hopmann does not explicitly disclose:

- wherein the cache device has a storage capacity larger than the portable wireless communication appliance.

Hu discloses a system and method for the distribution of client requests including:

- wherein the cache device has a storage capacity larger than the portable wireless communication appliance.

As per claim 18, Hopmann discloses the invention substantially as claims discussed above.

However, Hopmann does not explicitly disclose:



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- wherein the cache device is configured to receive the copy of a predetermined portion of the database from the portable wireless communication appliance for storing when the remote device is unavailable.

Hu discloses a system and method for the distribution of client requests including:

- wherein the cache device is configured to receive the copy of a predetermined portion of the database from the portable wireless communication appliance for storing when the remote device is unavailable (col. 4, lines 13-24, col. 5, lines 48-65 and col. 11, lines 50-59).

Given the teaching of Hu, it would have been obvious to one of ordinary skill in the art to modify Hopmann by including a cache device to monitor the availability of the server to provide communication between the client and the server allowing the client to access the server database.

As per claim 19, Hopmann discloses the invention substantially as claims discussed above.

However, Hopmann does not explicitly disclose:

- wherein the cache device is configured to send the copy of a predetermined portion of the database to the remote device, for storing, when the remote device becomes available.

Hu discloses a system and method for the distribution of client requests including:

- wherein the cache device is configured to send the copy of a predetermined portion of the database to the remote device, for storing, when the remote device becomes available (col. 4, lines 13-24, col. 5, lines 48-65 and col. 11, lines 50-59).

Given the teaching of Hu, it would have been obvious to one of ordinary skill in the art to modify Hopmann by including a cache device to monitor the availability of the server to provide communication between the client and the server allowing the client to access the server database.

As per claim 20, Hopmann discloses the invention substantially as claims discussed above.

However, Hopmann does not explicitly disclose:

- wherein the cache device is configured to communicate with the remote device to update the database with the copy of a predetermined portion of the database when the portable wireless communication appliance is no longer in communication with the cache device.

Hu discloses a system and method for the distribution of client requests including:

- wherein the cache device is configured to communicate with the remote device to update the database with the copy of a predetermined portion of the database when the portable wireless communication appliance is no longer in communication with the cache device (col. 4, lines 13-24, col. 5, lines 48-65 and col. 11, lines 50-59).

Given the teaching of Hu, it would have been obvious to one of ordinary skill in the art to modify Hopmann by including a cache device to monitor the availability of the server to provide communication between the client and the server allowing the client to access the server database.

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***Response to Arguments***

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T. Jacobs  
Examiner  
Art Unit 2157

ltj  
September 30, 2004

  
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